

PLANNING COMMISSION MEETING

City of Gardner, Kansas
Tuesday, January 26, 2021
7 p.m.

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:02 p.m. on Tuesday, January 26, 2021, by Chairman Scott Boden.

ROLL CALL

Commissioners present:

Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Ham
Commissioner Hansen
Commissioner McNeer
Commissioner Meder (via Zoom)

Staff members present:

Robert Case, Chief Planner
Ben Hyde, Planner
Spencer Low, City Attorney
Melissa Krayca, Administrative Assistant

There were 4 members of the public in attendance.

CONSENT AGENDA

1. **Approval of the minutes as written for the meeting on October 27, 2020.**

Motion made by McNeer to approve the minutes, seconded by Ford.

Motion passed 7-0.

REGULAR AGENDA

1. **COPPER SPRINGS MEADOWS, 1ST PLAT SUBDIVISION**

Located at University Drive and 160th Court

- a. **FP-20-14:** Consider a final plat for a 38 lot single family subdivision

Mr. Robert Case, Chief Planner, presented the information found in the staff report for this project located south of W 159th Street at the end of University Park Drive. The property includes 13 acres of land and is undeveloped. The preliminary plat consist of 38 lots and 1 tract on 13 acres. There are multiple points of access into the subdivision and the proposed subdivision is a continuation of the existing Copper Springs development to the north and west. All infrastructure is available to this site, with sanitary sewer service being provided by Johnson County Wastewater. Staff has found that the final plat is in substantial compliance with the preliminary plat and the Land Development Code. The request is consistent with established goals and policies of the city with no deviations. Excise tax will be levied with this plat. Staff recommends approval of the final plat for Copper Springs Meadows with conditions.

Mr. Todd Allenbrand, Payne and Brockway, representing Martens Family Enterprise stated his agreement with the staff report and that he was available to answer any questions.

COMMISSION DISCUSSION:

Commissioner Hamm asked for clarification on the application checklist if all the submittal requirement were previously addressed.

Mr. Case confirmed that they had been addressed.

Commissioner Hansen inquired if the submittal of Street Tree Plan at a later time was typical.

Mr. Case replied that street tree locations are difficult to include on a plat until the public improvements such as hydrants, streetlight, and driveway locations are known.

Motion was made after review of case FP-20-14, a final plat for Copper Springs Meadows 1st Plat, Tax Ids CF221413-3007 and CF221413-3008, located south of 159th Street at the southern extent of University Park Drive and final plat dated January 4th, and staff reported dated January 20th, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. Provide a Street Tree Plan.**
- 2. Excise Tax will be paid prior to the release for the plat for recording.**
- 3. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.**
- 4. Provide a copy of the recorded "Temporary Run-around" easement for 2160th and 161st Courts.**

And recommends the Governing Body accept dedication of right -of- way and easements.

Motion by Deaton and seconded by McNeer.

Motion passed 7-0.

2. LAKES AT CONESTOGA

Located at the southeast corner of E. Santa Fe Street and Conestoga Street

- a. **FDP-20-06:** Consider a final development plan for a 1 lot/95-unit mobile home park
- b. **FP-20-11:** Consider a final plat for a 1 lot/95-unit mobile home park

Mr. Case, presented the information found in the staff report for both the final development plan and the final plat. The project is located at the SE intersection of E Santa Fe Street and Conestoga Drive, is zoned RM-P and undeveloped. FDP-20-06 is one lot on 20 acres. The planned development will consist of 95 individual mobile home sites, open and civic space amenities including a large retention pond surrounded by a walking trail, a pavilion area that includes an outdoor grill area, shelter and picnic facilities, multiple dog parks, and pockets of dedicated green areas throughout the community for residents to gather. The street type is Local-Neighborhood and 5' sidewalks have been proposed on both sides of all internal streets and sidewalk connections along Santa Fe Street that connect to existing sidewalks along Conestoga Drive and to adjacent properties. While the FDP is not consistent with the Future Land Use Map, staff is supportive of the development request because the site is located directly adjacent to an existing manufactured/mobile home residential community and will be a continuation of the already existing residential development in the immediate area. Additionally, the development will provide affordable and attainable housing options for the people residing and working in the City of Gardner. With the deviation approvals on open and civic space requirements and mobile home setback requirements, this development meets the standards of the Land Development Code.

All infrastructure and utilities are available to the site. However, the applicant is showing public utility easements on the plat, which are to be dedicated to the City, but is proposing a private water system to service the development. The applicant is currently in discussions with the Utility Department regarding water provision and the potential use of private lines to serve the individual mobile home sites.

Staff recommended approval of the Final Development Plan with the conditions outlined below.

- The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit.
- Additionally, approval is subject to the execution of a Private Water Distribution System agreement between the City and the developer for the Lakes of Conestoga (notes reflecting the agreement may be added to the final development plan and final plat as necessary).

Mr. Curtis Holland of Polsinelli Law Firm and Attorney for the developer, states he and Judd Claussen of Phelps Engineering are in agreement with both applications presented. He and Mr. Claussen were available for questions from the Commission.

COMMISSION DISCUSSION:

Several commissioners agreed that this site was the best location for the use and a good project for the City of Gardner.

Motion made after review of application FDP-20-06, a final development plan for the Lakes of Conestoga, dated January 15, 2021 and staff report dated January 26, 2021, the Planning Commission approves the application provided the following conditions are met:

- 1. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit.**
- 2. Approval is subject to the execution of a Private Water Distribution System agreement between the City and the developer for the Lakes of Conestoga (notes reflecting the agreement may be added to the final development plan and final plat as necessary).**

Motion by Ford and seconded by Deaton.

Motion passed 7-0.

Mr. Case briefly presented the staff findings for FP-20-11. The final plat contains block patterns consistent with existing development and is in substantial compliance with the Preliminary Plat and the Land Development Code. No deviations are requested with this plat and the property is subject to excise tax that shall be paid prior to the release of the final plat for recording.

COMMISSION DISCUSSION:

Commissioner Hansen complimented staff for providing the historical basis of the annexation.

Motion made after review of application FP-20-11 a final plat for the Lakes of Conestoga, dated January 15, 2021 and staff report dated January 26, 2021, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

- 1. Approval of final development plan.**
- 2. A written agreement for use of a private water system is provided on both the final development plan and final plat between the City and the developer for the Lakes of Conestoga.**

Motion by Ford and seconded by Hamm.

Motion passed 7-0.

DISCUSSION ITEMS

1. Discussion regarding Title17 Land Development Code.
Initial discussion began with Commissioners on possible text amendments to the LDC. Comments and concerns were voiced and will be further discussed at the next meeting. Commissioners were encouraged to review the draft materials provided and send any questions to staff in the next couple of weeks.

ADJOURNMENT

Motion to adjourn made by Hansen and seconded by Ford.

Motion passed 7-0.

Meeting adjourned at 7:47 pm.